

REMARKS

Reconsideration of the present application is respectfully requested.

Claims 2 and 7 have been found to be substantially identical, and therefore potentially subject to a double patenting rejection. In response, Applicants have amended claim 7 to depend from claim 6. This should alleviate any double patenting concerns.

Claims 1-5, 8, 10 and 13-17 stand rejected under 35 USC §102(b) over Yang. Applicants respectfully disagree since Yang neither discloses what the Office Action asserts nor what Applicants have claimed. There should be no dispute that the MPEP and relevant case law require that a cited reference show exactly what an Applicant has claimed in order to support a §102(b) rejection. In the present case, the office action asserts that Yang teaches two types of engine fuel injection modes, but Applicants respectfully assert that it does not. While it is true that Yang discloses two different engine operation modes, it fails to include any disclosure regarding fuel injection. In fact, the word injection or any variation thereon does not even appear in the Yang disclosure. Since all of Applicants' claims relate to fuel injection, but Yang is utterly silent as to how fuel is delivered to its combustion chambers, it can not support a proper §102(b) rejection against any of Applicants' claims. Since Yang can not support a rejection against subject matter it fails to disclose, Applicants respectfully request that all of the §102(b) rejections based upon Yang be withdrawn.

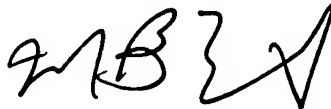
Although the cited reference is silent as to how fuel arrives at the respective combustion chambers for its engine, the cited reference does refer to a companion patent application that is useful in providing some insight as to this matter. In particular, the cited reference to Yang attempts to incorporate by reference U.S. Patent application 09/470,359 (now U.S. Patent 6,295,973), which makes it clear that in relation to the Yang engine, fuel and air are premixed in the intake manifold. Thus, this reference makes it implicitly clear that Yang does not contemplate changing engine modes of operation through any change in fuel injection. Instead, Yang teaches changing engine modes of operation between homogenous charge compression ignition and spark ignition by various EGR, charge cooling techniques, intake and exhaust valve timing differences, etc., to adjust compression ratio and change temperature but not by changing anything having to do with fuel injection. In fact, it appears that the Yang engine may be more compatible with a carburetor instead of a fuel injection apparatus. In any event, Yang flatly fails

to disclose either what the office action asserts or what Applicants have claimed. Therefore, Applicants again respectfully request that all of the outstanding §102(b) rejections be withdrawn.

Claims 6, 9, 11, 12 and 18-20 stand rejected under 35 USC §103(a) over Yang. Again, Applicants respectfully disagree since Yang is actually utterly silent regarding fuel injection and implicitly teaches premixing air and fuel in an intake manifold. Such premixing may be utterly incompatible with the type of fuel injection subject matter included in Applicants' claims. In any event, one with ordinary skill in the art would not be able, without innovation, to combine Yang with any general knowledge regarding single or multiple fuel injection events to supposedly arrive at Applicants' claimed invention. Therefore, Applicants respectfully request that the outstanding §103 rejections based upon Yang be withdrawn.

This application is believed to be in condition for allowance of claims 1-20. However, if the Examiner believes that some minor additional clarification would put this application in event better condition for allowance, the Examiner is invited to contact the undersigned attorney at (812) 333-5355 in order to hasten the prosecution of this application.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'MB' followed by a stylized flourish.

Michael B. McNeil
Reg. No. 35,949